

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>STEPHEN P. WALLACE, et al.,</p> <p style="text-align:center">)</p> <p style="text-align:center">)</p> <p>Plaintiffs,</p> <p style="text-align:center">)</p> <p style="text-align:center">)</p> <p>v.</p> <p style="text-align:center">)</p> <p style="text-align:center">)</p> <p>JAMES M. KELLEY, et al.,</p> <p style="text-align:center">)</p> <p style="text-align:center">)</p> <p>Defendants.</p> <p style="text-align:center">)</p>	<p>CASE NO. 4:06CV3214</p>	<p>MEMORANDUM AND ORDER</p>
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This matter is before the court on Plaintiff Stephen P. Wallace’s (“Wallace”) Motion to Vacate Memorandum and Order (Filing No. [105](#)) and Motion for Summary Judgment (Filing No. [107](#)). The court entered a Memorandum and Order and Judgment dismissing this matter on November 14, 2007. (Filing Nos. [88](#) and [89](#).) Since the dismissal, Wallace has filed several frivolous documents charging “criminal collusion” by Defendants and the court. (Filing Nos. [96](#), [100](#), and [102](#).) All of these Motions have been denied. In the court’s most recent Memorandum and Order, the court noted that Wallace’s claims were “false and factually unsupported” and that “sanctions under Rule 11 of the Federal Rules of Civil Procedure” were warranted. (Filing No. [104](#) at CM/ECF p. 1.) However, the court did not impose sanctions. ([*Id.*](#))

The court’s previous warning has not deterred Plaintiff from continuing to file frivolous and malicious pleadings, including the two pending Motions. “The Court may, in its discretion, place reasonable restrictions on any litigant who files non-meritorious actions for obviously malicious purposes and who generally abuses judicial process.” [*In re Tyler, 677 F. Supp. 1410, 1412 \(D. Neb. 1987\)*](#) (citations omitted). With this in mind, all of Plaintiff’s pending Motions are denied as frivolous and malicious. In addition, the Clerk of the court will be directed to accept no further filings from Wallace in this case except for a notice of appeal.

IT IS THEREFORE ORDERED that:

1. All pending motions are denied as frivolous and malicious; and
2. The Clerk of the court shall not accept any further pleadings submitted by Plaintiff Stephen P. Wallace for filing in this matter except for a notice of appeal. In the event that Wallace submits pleadings, the court will take no action and they will instead be returned to him under Case No. PS3001.

DATED this 9th day of January, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge